

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - DETROIT

IN RE:

Michael J Orta,
Autumn A Anderson,

DEBTORS.

CHAPTER 13
CASE NO. 13-59870-MBM
JUDGE MARCI B. MCIVOR

**TRUSTEE'S OBJECTION TO CONFIRMATION OF THE
DEBTORS' FIRST MODIFIED, PRE-CONFIRMATION CHAPTER 13 PLAN**

NOW COMES the Chapter 13 Standing Trustee in this matter, David Wm. Ruskin, and objects to confirmation of the debtors' First Modified, Pre-Confirmation Chapter 13 Plan, and in support thereof states as follows:

1. Based upon the debtors' testimony at the First Meeting of Creditors, debtor-wife is employed as a part-time cheerleading coach earning approximately \$1,700.00 per year. However, debtor's Schedule I fails to account for this income. Accordingly, debtors' Plan fails to comply with 11 U.S.C. Section 1325(b).

2. The plan fails to increase its funding upon the termination of the obligation for the end of the child support obligation pursuant to 11 U.S.C. 1325(b)(1)(B) and 11 U.S.C. 1325(a)(3).

3. Based on the Plan as filed, the debtors fail to provide for the submission of sufficient future earnings or future income for the execution of the Plan in contravention of 11 U.S.C. Section 1322(a)(1).

4. Based upon an average of the debtor-husband's pay stubs dated November 29, 2013, December 13, 2013, and December 27, 2013, provided prior to the First Meeting of Creditors, the debtor-husband's gross income was in the average amount of \$3,083.29, which constitutes monthly net income in the average amount of \$2,821.43. As the debtors' Schedule I understates the debtor-husband's monthly net income by approximately \$270.00, the debtors' Plan fails to comply with 11 U.S.C. Section 1325(b)(1)(B) and 11 U.S.C. Section 1325(a)(3).

WHEREFORE, the Chapter 13 Standing Trustee requests that this Honorable Court deny confirmation of the debtors' Chapter 13 Plan.

OFFICE OF THE CHAPTER 13 STANDING TRUSTEE-DETROIT
David Wm. Ruskin, Chapter 13 Standing Trustee

Dated: January 16, 2014

/s/ Thomas D. DeCarlo
DAVID WM. RUSKIN (P26803)
LISA K. MULLEN (P55478)
THOMAS D. DECARLO (P65330)
1100 Travelers Tower
26555 Evergreen Road
Southfield, MI 48076-4251
Telephone (248) 352-7755

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - DETROIT

IN RE:

Michael J Orta,
Autumn A Anderson,

DEBTORS.

CHAPTER 13
CASE NO. 13-59870-MBM
JUDGE MARCI B. MCIVOR

**CERTIFICATE OF SERVICE OF TRUSTEE'S OBJECTION TO
CONFIRMATION OF THE DEBTORS' FIRST MODIFIED,
PRE-CONFIRMATION CHAPTER 13 PLAN**

I hereby certify that on January 16, 2014, I electronically filed the Trustee's Objection to Confirmation of the debtors' First Modified, Pre-Confirmation Chapter 13 Plan with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

The following parties were served electronically:

SWEENEY LAW OFFICES PLLC
30555 SOUTHFIELD RD
STE 400
SOUTHFIELD, MI 48073-0000

The following parties were served via First Class Mail at the addresses below by depositing same in a United States Postal Box with the lawful amount of postage affixed thereto:

Michael J Orta
Autumn A Anderson
527 Emerald Glen Drive
Manchester, MI 48158-0000

/s/ W. Noelle Balloid
W. Noelle Balloid
For the Office of the Chapter 13 Standing Trustee-Detroit
1100 Travelers Tower
26555 Evergreen Road
Southfield, MI 48076-4251
(248) 352-7755